

A PUZZLER FOR THE COURT

Iowa's Supreme Tribunal Unable to Decide the Distillery Injunction Case.

THE CONCERN'S RIVALS JEALOUS

**The Question of the Railroad Com-
missionership Agitating the Peo-
ple of the Hawkeye State—
Iowa News.**

A Hard Nut to Crack.
 Day Morning In March 90. [Special]

to the BEER—lowa's supreme court takes a high rank among the judicial tribunals of the country, and justly so, for its profound learning, impartial judgment and breadth of view commend it to the respect of all who respect the law. But the supreme court has recently demonstrated in a novel manner its superior ability by showing that contrary to the usual experience of mankind an odd number is even, and the half of an odd is an even. This astonishing conclusion was reached the other day when Chief Justice Adams, in a dissenting opinion, decided that the question was on an application by the distillery for a writ of superseas suspending the operation of the injunction against it while the case was pending a final decision on its merits. The opponents of the distillery wanted to have it closed right up the same as has been done in other cases, and the court as a whole was in favor of it.

The distiller objected and asked for a couple of months at least in which to complete their contracts. The learned court, which it should be remarked consists of five members, debated long and profoundly on the grave question, and then Chief Justice Adams announced to the astonished bar that the court was in favor of the distiller. He agreed and it would like to have the parties interested fix on some compromise them-

self. As a majority vote of the court is alone required in filing decisions, and as the court was composed of five members, the discover man had been trying ever since to discover how the court managed to divide five on a single question of equity so as to make a stand off for each side. The general conclusion seems to be that one man must have a double head, a half of which he contributed to plaintiff and defendant each. The court, however, has not been asked as authority for the statement that a half of five is an even number, and that dividing on that line, both parties to a suit can have exact and even justice—so even that neither will win. Verily it is a great court that can accomplish such feats in mathematics when applied to jurisprudence.

So the military opens up a fruitful theme, for it is the general topic of discussion in this vicinity. Being the last of its kind in the state, there is a sort of a "survival-of-the-fittest" interest about it which lasts as long as there is any probability of its really surviving. There are several chapters of unwritten history connected with it. One of the first that I wish to find out, is the history of these, that the hand behind the wires in

the prosecution of the suits to close it. is not the hand of prohibition, but of rival distilleries. The suits are not the work of a man set on good authority that wishing to get rid of a disastrous competition, they have invoked the prohibitory law to help them. No, so, it is true that the suits for that purpose are brought in the name of the county temperance association, but the suits are not for the prosecution are said to be retained by the distillers of the Western Export association. This makes the suits seem very interesting. The distillers are found availing themselves of the aid of prohibition to help along their business. Another surprising fact concerning the suits is that they are retained by Judge Nourse, the leading prohibition lawyer of the state, as counsel for the local distillers. It is quite a surprise to find that he has been the great mogul of prohibition from the beginning. He was the attorney for the state in the case of the "A. B. C.," a "abornin'." He has been the loudest in denouncing the enemies of prohibition, declaring that the prohibition law was the only voice has been lifted up at every prohibition convention in this city, and he has fervently urged the prohibitionists to do all that is needed to make the triumph complete was to have the big distillery closed. Now the distillers are going to do as they please. The same distillery and has made an eloquent argument before the supreme court for

THE RAILROAD COMMISSIONERSHIP.

ever had. His judgment, broad views and wide study of railroad matters have made him very useful to the people, and will make another term of service the afternoon

There is general expectation and hope that he will be reappointed. The only opposition comes from the chronic grumblers in the Eighth district. These meddlesome trouble-makers are endeavoring to perpetuate the old feelings of unrest and discontent by demanding the rejection of McNeill and the selection of some man who is supposed to represent the republican element. They who bolted the republican ticket last fall instead of trying to close up the divisions in the party, they want to widen them by pro-

jecting disturbing elements into matters in which they have no place. The man selected to head the anti-contingency campaign was most active in the fight against the republican candidate for congress last fall and is possessed of no special qualifications for the place. If, in order to give the mhwump contingency recognition, the governor should appoint him he would greatly disappoint the people of the state and make a very serious party mistake.

CRIME ON THE INCREASE.

Henry George's famous note about "Progress and Poverty" going hand in hand might be paraphrased by the substitution of criminals and colonies. The growth of popu-

of crime, thanks to Adam's little escape to a fruit garden, etc., many years ago. The executive council have had their attention called to this fact very forcibly of late. The number of prisoners in the northern and western Iowa has been accompanied by a corresponding increase in the number of criminals there, till that portion of the state is contributing more subjects for the penitentiary, than were bargained for. The state has two penitentiaries, one in the northern part of the state, near Ottumwa, and the other in the eastern part, at Fort Madison. For the assignment of criminals it has been divided into two districts by an east and west line. The old boundary was supposed at the time to

population has increased so rapidly in the northwestern part of the state and so much of the land is under cultivation that the northern prison is over crowded and the southern prison isn't a full quota. The council are considering the advisability of building a third prison in the south, in hopes to distribute the rascals more evenly.

HEBURN'S WILL COME HOME.

Colorado legislators have given a warm welcome home from congress that would make any man proud. The whole state is sounding his praises for his gallant defense of the state treasury in the case of the independent pension bill. He is to-day greater man in defeat than his opponent in victory.

Mr. Heburn is now in the state calling for Heburn for United States senator to succeed Wilson, but it is not probable that he will be elected. He would make a senator of whom the state would be proud. Ex-Governor Carpenter, who was also a gallant soldier, is mentioned for the office, but he has declined to accept any canvass. In the absence of any aggressive candidate the probability is that General Webb will succeed himself.